

### REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated March 15, 2006 (U.S. Patent Office Paper No. 03032006), and in conjunction with the request for Continued Examination (RCE) which is being filed herewith. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

#### Status of the Claims

As outlined above, claims 1, 5-7 and 9-33 stand for consideration, wherein claims 1, 5, 11 and 13 are being amended to correct formal errors and to more particularly point out and distinctly claim the subject invention. Claims 2-4 and 8 were previously canceled from this application. In addition, new claims 26-33 are hereby submitted for consideration. Applicant hereby submits that no new matter is being introduced into the application through the submission of this response.

#### Formal Objections or Rejections

Claims 13, 18-19 and 23 were rejected under 35 USC §112, first paragraph, on the grounds that the claims are non-enabling and not disclosed in the specification. Correspondingly, claims 13, 18-19 and 23 were rejected under 35 USC §101 as being directed to no-statutory subject matter.

As outlined above, claim 13 is being amended to clarify that the computer readable medium is implemented in a file server. One of skill in the art would understand that such a computer readable medium implemented in a file server means that the computer program is implemented or stored at least in the file server that embodies the migration source shared file system, since in one embodiment the migration source shared file system is configured as a file server that specializes in file sharing services. This is supported at least on page 17, line 15 to page 18, line 17. However, the specification provides further description of the present invention's embodiments that one of skill in the art would understand as sufficient support and enablement for the computer program of the present invention. Consequently, Applicants respectfully request withdrawal of the above formal rejections.

### Prior Art Rejections

The Examiner rejected claims 1, 5-7, 9-13 and 20 under 35 U.S.C. §103(a) as being unpatentable over Kenley et al. (US Patent No. 5,276,867) in view of Webber et al. (US Patent No. 5,367,698) and Ofek et al. (US Patent No. 6,108,748). Claims 14-19 and 21-25 were rejected under 35 USC §103(a) as being unpatentable over Kenley '867 in view of Webber '698 and Ofek '748, and further in view of Iwamura et al. (US Application No. 2004/0049553A1). Applicants have carefully reviewed the above rejections, and hereby respectfully traverse.

The present invention as recited in claim 1 is directed to a migration destination file sharing device communicably connected to a migration source file sharing device and a host computer via a communications network. The migration destination file sharing device includes means for relating a shared file system of the migration source file sharing device to the shared file system of the migration destination file sharing device and for determining a mount point that corresponds the shared file system of the migration source file sharing device to the shared file system of the migration destination file sharing device, the migration source shared file system having a plurality of files; means for migrating data from the migration source file sharing device to the migration destination file sharing device on a file by file basis; means for setting or changing a migration status of each file; means for causing access from the host computer to be switched from the migration source file sharing device to the migration destination file sharing device; means for detecting the migration status of data to which access has been requested by the host computer; means for providing the data from the file system of the migration destination file sharing device in a case where the detected migration status of the data is a status where the data can be used from the file system of the migration destination file sharing device; and means for providing the data from the file system of the migration source file sharing device in a case where the detected migration status of the data is a status where the data cannot be used from the file system of the migration destination file sharing device.

As recited in claim 11, the present invention is directed to a method of causing data to migrate from a file system of a migration source file sharing device to a file system of a migration destination file sharing device via a communications network, the method including the steps of: relating a shared file system of the migration source file sharing device to the shared file system of the migration destination file sharing device, including determining a mount point that corresponds the shared file system of the migration source file sharing device

to the shared file system of the migration destination file sharing device,, the migration source shared file system having a plurality of files; migrating data from the migration source file sharing device to the migration destination file sharing device on a file by file basis; setting or changing a migration status of each file; causing access from a host computer to be switched from the migration source file sharing device to the migration destination file sharing device; detecting the migration status of data to which access has been requested by the host computer; providing the data from the file system of the migration destination file sharing device in a case where the detected migration status of the data is a status where the data can be used from the file system of the migration destination file sharing device; and providing the data from the file system of the migration source file sharing device in a case where the detected migration status of the data is a status where the data cannot be used from the file system of the migration destination file sharing device.

As recited in claim 13, the present invention is directed to a computer program stored in a computer readable medium implemented in a file server and for causing data to migrate from a migration source file sharing device to a migration destination file sharing device via a communications network, comprising: a module for relating a shared file system of the migration source file sharing device to the shared file system of the migration destination file sharing device, said module being configured to determine a mount point that corresponds the shared file system of the migration source file sharing device to the shared file system of the migration destination file sharing device, the migration source shared file system having a plurality of files; a module for migrating data from the migration source file sharing device to the migration destination file sharing device on a file by file basis; a module for setting or changing a migration status of each file; a module for causing access from a host computer to be switched from the migration source file sharing device to the computer; a module for detecting the migration status of data to which access has been requested by the host computer; a module for providing the data from the file system of the computer in a case where the detected migration status of the data is a status where the data can be used from a file system of the computer; and a module for providing the data from a file system of the migration source file sharing device in a case where the detected migration status of the data is a status where the data cannot be used from the file system of the computer.

According to new claim 20, in a file sharing system that comprises a host computer, a source file sharing device, and a destination file sharing device communicably connected to the source file sharing device and the host computer via a communications network, the present invention is directed to the destination file sharing device incorporating a control unit

operatively formed to migrate data from the source file sharing device to the destination file sharing device. Also, the control unit includes a first component that relates a shared file system of the source file sharing device to the shared file system of the destination file sharing device, said first component being configured to determine a mount point that corresponds the shared file system of the migration source file sharing device to the shared file system of the migration destination file sharing device, the source shared file system having a plurality of files; a second component that migrates the data from the source file sharing device to the destination file sharing device on a file by file basis; a third component that sets or changes a migration status of each file; a fourth component that causes access from the host computer to switch from the source file sharing device to the destination file sharing device; a fifth component that detects the migration status of the data to which access has been requested by the host computer; a sixth component that provides the data from the file system of the destination file sharing device in a case where the detected migration status of the data is a status where the data can be used from the file system of the destination file sharing device; and a seventh component that provides the data from the file system of the source file sharing device in a case where the detected migration status of the data is a status where the data cannot be used from the file system of the destination file sharing device.

Among the main features of the present invention as now claimed, the present invention incorporates in its various embodiments a means, a method step, a module or a component that determines a mount point that corresponds the shared file system of the migration source file sharing device to the shared file system of the migration destination file sharing device. Applicants will respectfully contend none of the cited references discloses, teaches or suggests any combination of elements or steps that embody each and every element of the present invention, including the element or step of determining a mount point that corresponds the shared file system of the migration source file sharing device to the shared file system of the migration destination file sharing device. As a result, the present invention is distinguishable and thereby allowable over the combination of these references.

### Conclusion

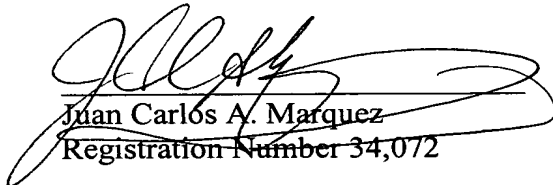
In view of all the above, Applicant respectfully submits that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor

rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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